REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 53 - 75 are pending in the application. Claims 53 - 75 have been rejected. Claims 53, 61, 68, 72 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 53 – 57, 59 – 64 and 66 – 75 under 35 U.S.C. § 103(a), as being unpatentable over Weston et al. (6,608,563) in view of Oh et al (Content-based retrieval system for image using human face information).

Applicants respectfully traverse the rejections because a prima facie case of obviousness has not been established.

Weston et al. show:

"... a system and method for automated photo/video capture and retrieval using RFID tags containing a unique person and/or group identifier number. The system allows automated capturing and indexing of individual or group photo/video images according to each unique person and/or group identifier. Tags are worn by each park patron during their visit to the park or other entertainment facility. Various readers distributed throughout the park or entertainment facility are able to read the RFID tags. Thus, the unique identifier numbers can be conveniently read and provided to an associated photo/video capture system for purposes of providing

indexing of captured photo/video images according to the unique identifiers of all individuals standing within the field of view of the camera." (Abstract, lines 1-15)

Thus, Weston et al. utilize the RFID information to determine which person or persons are present in each image. Such information is external to the image and, moreover, does not tell which face, in a multi-person image, belongs to which unique identifier. Weston et al. thus, do not have, as recited in amended claim 53, with similar language in claims 61, 68 and 72,

"using information from each image, detecting the location and identification of each face in a group of still images;"

Weston et al. may determine which persons are in the image from the RFID information, but they cannot do so from "information from each image", as the RFID information is external to the image. Moreover, Weston et al. do not use such information to "detect the location of each face".

The addition of Oh et al. does not solve this problem, as Oh et al. do not have any kind of identifiers, external or otherwise.

Accordingly, Applicants respectfully assert that independent claims 53, 61, 68 and 72 are allowable. Claims 54 – 60, 62 – 67, 69 - 71 and 73 – 75 depend from, directly or indirectly, claims 53, 61, 68 and 72, respectfully, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 54 – 60, 62 – 67, 69 - 71 and 73 – 75 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to independent claims 53, 61, 68 and 72, and to claims 54 – 60, 62 – 67, 69 - 71 and 73 – 75 dependent thereon.

In the Office Action, the Examiner rejected claims 58 and 65 under 35 U.S.C. § 103(a), as being unpatentable over Weston et al. in view of Oh et al as applied above and further in view of Squilla, et al.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The combination of Weston et al. in view of Oh et al. in view of Squilla, et al. does not teach nor suggest all the limitations of independent claims 53, 61, 68 and 72. The
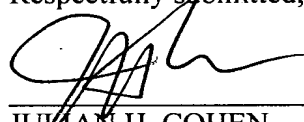
combination of Weston et al. in view of Oh et al. has been discussed above. That discussion is applicable here. Squilla et al. is also silent as to "using information from each image, detecting the location and identification of each face in a group of still images" and, therefore, cannot cure the deficiencies of Weston et al. in view of Oh et al.

Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

JULIAN H. COHEN
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 20302
Tel. No. (212) 708-1887